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HIGHER EDUCATION DEPARTMENT

NOTIFICATION

The 18th October, 2024

S.R.O. No.550/2024 — The following draft of certain rules, to regulate the method of recruitment and condition of service of the Physical Education Teacher appointed in the Non-Government Aided Colleges, which the State Government proposes to make in exercise of the powers conferred under section 27 of Odisha Education Act, 1969 (Odisha Act 15 of 1969) is hereby published, as required under sub-section(1) of the said Section of the Act, for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 30 (thirty) days from the date of publication of this notification in the *Odisha Gazette*.

Any objection or suggestion which may be received in the Department of Higher Education from any person in respect of said draft before expiry of the period so specified above will be consideration by the State Government.

PART-1

GENERAL

1. Short title and commencement:— (1) These rules may be called the Odisha Non-Government Aided College Physical Education Teachers (Method of Recruitment and Conditions of Service) Rules, 2024.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definition:- (1) In these rules unless the context otherwise require;

- (a) “**Appointing Authority**” means the Governing Body of the concerned College;
- (b) “**Board**” means the State Selection Board for the State constituted under sub-section (2) of Section 10 of the Odisha Education Act, 1969
- (c) “**College**” means Non-Government-Aided Colleges having +3 Courses (Bachelor Degree) and Post Graduate Courses which were notified as Aided Educational Institutions for receiving Grant-in-Aid prior to notification of Odisha Education

(Amendment) Act, 1994 (Odisha Act 13 of 1994) and in accordance with Grant-in-Aid Order 1994 under the control of the Higher Education Department;

(d)“**Director**” means the Director, Higher Education or any other officer authorized in this regard by the Government by a general or special order, to perform all or any of the functions and exercise all or any of the powers on behalf of the Director under this rule;

(e)“**Ex-servicemen**” means a person as defined in the Odisha Ex-servicemen. (Recruitment to State Civil Service and Posts)Rules,1985;

(f)“**Government**” means the Government of Odisha;

(g)“**Persons with Disabilities**” means persons who have been granted with disability certificate by competent authority as per the provisions of the Rights of Persons with Disabilities act, 2016;

(h)“**Scheduled Castes and Scheduled Tribes**” shall have reference to the Scheduled Castes and Scheduled Tribes specified in the constitution (Scheduled Caste) Order,1950 and the Constitution (Scheduled Tribe) Order,1950, as the case may be, made under Article 341 and 342 of the Constitution of India respectively;

(i)“**SEBC**” means the Socially and Educationally Backward Classes of citizens as defined in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act,1993;

(j)“**Sportspersons**” means persons who have been issued with identity card as Sportspersons by the Secretary or Director of Sports as per Resolution No. 24808/gen dated the 18th November 1985 of General Administration Department as amended from time to time;

(k)“**State**” means the State of Odisha; and

(l)“**Year**” means the Calendar Year.

(2) All other words and expression used in these rules but not specifically defined shall, unless the context otherwise requires, have the same meaning, as are respectively assigned to them in the Act or Odisha Service Code.

3. Constitution of Service:—The service shall consist of Physical Education Teachers of the Non-Government Aided Colleges of the District as defined in clause (c) of sub-rule (1) of rule 2 of these rules.

PART-II

METHODS OF RECRUITMENT

4.Methods of recruitment:- subject to the provisions made in these rules, the recruitment to the posts of Physical Education Teachers in the service, shall be made by competitive examination in accordance with rule 6.

5.Reservation:— Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for candidates belonging to;

- (1) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under ; and
- (2) SEBC, Women, Sportspersons, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Acts, rules, orders or instructions issued in this behalf by the Government from time to time.

PART-III

DIRECT RECRUITMENT

6.Recruitment Procedure:—(1) Recruitment to the post of Physical Education Teachers in the service shall be made by way of competitive examination to be held once or more in a year as per requirement.

- (2) The competitive examination for the post of Physical Education Teachers shall be conducted by the Board and the date on which and the places at which the examination are to be held shall be decided by the Board.
- (3) The standard, syllabus and subjects of examination shall be as decided by the Board in consultation with the Department of Higher Education.
- (4) The Principal of all the Non-Government-Aided Colleges, every year in the month of January intimate the Director, the number of vacancies for the respective Colleges.
- (5) The Director on receipt of the intimation of actual number of vacancies of Physical Education Teachers at the Colleges shall intimate the Board the number of vacancies in order to conduct the recruitment examination.

7. Eligibility Criteria for Direct Recruitment:—In order to be eligible for direct recruitment a candidate shall have to satisfy the following conditions namely:-

- (a) **Nationality:-**A candidate must be a citizen of India;

(b) **Age Limit:-**A candidate must have attained the age of 21 years and must not be above the age of 32 years on the first day of the year in which advertisement for recruitment is published;

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule-5 shall be relaxed in accordance with the provisions of the Acts, rules, orders or instructions, for the time being in force, for their respective categories;

(c) **Knowledge in Odia:-** He must be able to read, write and speak Odia; and have;

- (i) Passed Middle School Examination with Odia as a language subject; or
- (ii) Passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
- (iii) Passed in Odia as language subject in the final examination of class VII from a school or educational institution recognized by the Government of Odisha or the Central Government ; or
- (iv) Passed at least in Odia in Middle English School Standard conducted by the School and Mass Education Department;

(d) **Marital Status:-** A candidate if married must not have more than one spouse living;

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule;

(e) **Minimum Educational Qualification:-** The candidate for recruitment to the post of Physical Education Teachers should possess Bachelor Degree in Physical Education (B.P.Ed) or Bachelor Degree or +3 with Certificate in Physical Education from a recognized Institutions; and

(f) **Physical Fitness:-**A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service. A candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements shall not be appointed to the service.

8. Select List:— (1) The list of candidates recommended by the Board for appointment as Physical Education Teachers shall not be more than the number of vacancies advertised by the Board and shall after being approved by the Director, form the select list.

(2) The list referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by the Director or until another select list is prepared afresh, whichever is earlier.

(3) Appointment to the post in the service shall be in order in which their name appear in the select list.

9. Allotment of Candidates:— (1) The Board shall forward the list of candidates, i.e. the common merit list and category-wise merit list drawn in order of merit to the Director as per the vacancy position intimated to the Board under sub-Rule (4) of Rule- 6.

(2) After receipt of the select list, the Director shall allot such candidates in respect of the Non-Government Aided Colleges as defined in sec 2 (1) (b) of this rule, in order of merit and as per the vacancy position intimated by the Principals. Formal appointment orders to the appointee shall be issued to the allotted candidates by the Principals of the concerned Colleges.

PART-IV

CONDITIONS OF SERVICE

10. Rules of Conduct:— The following shall be the rules of conduct, namely:-

- (a) They shall at all times be of absolute integrity of character, devotion to duty and decorum of conduct.
- (b) They shall carry out the instructions of the Principal and act according to the instruction and direction of University or the Director or other offices of the Higher Education Department.
- (c) They shall carry out the orders of the Higher Education Department, Director Higher Education and of the President or Secretary or of the Governing Body.
- (d) They shall not be members of any political or any communal party.

11. Penalty for Breach for Conduct Rules:— For breach of any of the rules of the conduct described above an employee shall be liable to disciplinary action in a manner as prescribed in rule 15 of Odisha Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institution) Rules, 1974.

12. Nature of Penalty:— Following penalties may, for good and sufficient reasons and here in after provided be imposed on the employees covered under this rule.

- (a) Fine;
- (b) Censure;
- (c) Withholding of increment;

(d) Recovery from Pay of whole or part of any pecuniary loss caused to the Institution for negligence or breach of order;

(e) Suspension;

(f) Compulsory Retirement;

(g) Removal from Service which shall not be a disqualification for future employment; and

(h) Dismissal from Service which shall ordinarily be disqualification for future employment.

13. Disciplinary Authority:—(1) The Governing Body of the concerned Non-Government Aided College shall be the disciplinary authority.

The Director may also impose any of the penalties specified above on any employee, provided that, the Director shall not initiate any disciplinary proceeding unless the Governing Body refuses, neglects, or avoids taking disciplinary action against any employee:

Provided that in case of penalty mentioned in rule 12 (e), (f), (g), (h) is imposed on an employee by the Governing Body the prior approval of the Director shall be obtained:

Provided further, that the Governing Body may place an employee under suspension at the initiation of disciplinary proceedings for a period of 30 days, pending approval of the Director.

(2) Proceeding for imposing minor and major penalties shall be governed by the rule 22, 23, 24 and 26 of the Odisha Education (Recruitment and Conditions of Service of Teachers and Members of the Staff of Aided Educational Institution) Rules, 1974.

PART-V

OTHER CONDITIONS OF SERVICE

14. Probation and Confirmation:— (1) Every person appointed to any grade or post in the service by direct recruitment shall be on probation for a period of two years from the date of joining the post:

Provided that the appointing authority may, if think fit, in any case or class of cases for good & sufficient reasons to be recorded in writing, extend the period of probation for another year:

Provided further that such period of probation shall not include,-

(a) Extraordinary leave; or

- (b) Period of unauthorized absence; or
- (c) Any other period held to be not being on actual duty.

(2) The appointment of a probationer may, for good and sufficient reasons to be recorded in writing, be terminated by the Governing Body at any time without previous notice during the period of probation including extension of such period, if any.

(3) A probationer after completing the period of probation to the satisfaction of Governing Body shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

15. *Inter se* Seniority:— The *inter se* Seniority of the persons appointed to any post in the service in a particular year shall be in the order in which their names appear in the select list.

16. Other conditions of service:— The conditions of service in regard to the matters not covered by these rules shall be the same as are, or as may from time to time be prescribed by the State Government.

PART-VI MISCELLANEOUS

17. Relaxation:— When it is considered by the Government that it is necessary or expedient to do so in the public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of the employees.

18. Interpretation:— If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

19. Transfer:— The Director Higher Education shall have the power to transfer the Physical Education Teachers from one College to another within the District as and when deemed necessary.

20. Power to Issue Instructions:— The Government may also issue instructions not inconsistent with the provisions of these rules, as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

[No.41063—HE-NCENT-A-MISC-0068/2023/HE.]

By Order of the Governor

ARAVIND AGRAWAL

Commissioner-*cum*-Secretary to Government